

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN F.P. CIOLINO,

Plaintiff(s),

v.

STATE OF NEVADA EX REL, et al.,

Defendant(s).

Case No. 2:23-cv-00030-ART-NJK

ORDER

[Docket No. 35]

Pending before the Court is Plaintiff's motion to extend the time for service on Defendants Nelson Moka, Benedicto Gutierrez, James Scally, Sandra Gobler, and Timothy Smith. Docket No. 35. Plaintiff indicates that he has not received notice from the Clerk's Office as to whether service was effectuated. *See id.* at 2. In reviewing the docket, it appears that service was attempted at the prison facility, although these defendants are no longer employed there.¹ It also appears that various filings have been made under seal, although they do not appear to include confidential information. *See, e.g.*, Docket Nos. 30-32. Given the circumstances, the motion to extend time is **GRANTED**. The deadline to complete service is extended to June 10, 2024.

The Court also **ORDERS** as follows:

- The Clerk's Office is instructed to send Plaintiff five blank copies of the USM-285 form.
- Plaintiff shall have twenty days in which to furnish the U.S. Marshal with the required USM-285 forms (with Defendants' addresses omitted).

¹ These defendants are no longer employed by NDOC. Docket No. 23 at 2. Nonetheless, the summonses were issued with addresses for High Desert State Prison. *See* Docket No. 29. Service was then attempted unsuccessfully at the prison. *See* Docket Nos. 30, 31.

- The Clerk's Office shall issue summonses to Defendants Moka, Gutierrez, Scally, Gobler, and Smith (with Defendants' addresses omitted), and deliver the complaint and the summonses to the U.S. Marshal for service.
- The Clerk's Office shall separately provide the U.S. Marshal with the addresses filed under seal for Defendants Moka, Gutierrez, Scally, Gobler, and Smith (Docket No. 24).
- Upon receipt of the USM 285 forms, the U.S. Marshal shall attempt service on Defendants Moka, Gutierrez, Scally, Gobler, and Smith at the addresses filed under seal (Docket No. 24).
- Within 20 days after receiving from the U.S. Marshal a copy of the Form USM-285, showing whether service has been accomplished, Plaintiff must file notices identifying whether Defendants Moka, Gutierrez, Scally, Gobler, and Smith were served. If service was unsuccessful and Plaintiff wishes to have service attempted again, a motion must be filed identifying the unserved defendant and specifying a detailed name and/or address for said defendant, or whether some other manner of service should be attempted.
- Defendants' addresses shall remain sealed and shall not be provided to Plaintiff.

Lastly, because they do not include the personal addresses for Defendants Moka, Gutierrez, Scally, Gobler, and Smith, the summons and service documents at Docket Nos. 29, 30, and 31 are unsealed.

IT IS SO ORDERED.

Dated: April 23, 2024



Nancy J. Koppe
United States Magistrate Judge